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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,150

03/17/2004

Ronald P. Snyder

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5042

34431

7590

06/06/2006

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EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,150

Applicant(s)

SNYDER ET AL.

Examiner

David M. Purol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-24 is/are allowed.
- 6) ☒ Claim(s) 1-19 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03162006</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,11-13,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Rosenoy. Clark discloses a panel assembly comprising first and second curtains 85a,b, a connecting bar 91,92, a bottom bar 140, a windbar 90. While Clark does not disclose that the connecting bar is stiffer than the flexible curtain, Rosenoy discloses a panel assembly comprising a connecting bar 52 which is stiffer than the flexible curtain, wherein, to incorporate this teaching into the panel assembly of Clark for the purpose of further strengthening the panel assembly would have been obvious to one of ordinary skill in the art.

2. Claims 5-8,14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Rosenoy as applied to claims 1-4,11-13,25 above, and further in view of Palmer. While Clark does not disclose the bottom bar as having two bar members, Palmer discloses a panel assembly having a bottom bar comprising two bar members 50,52-55, wherein, to incorporate this teaching into the panel assembly of Clark, as modified by Rosenoy, for the purpose of substituting a mechanical equivalent for another so as to obtain the advantages inherent therein such as ease of assembly would have been obvious to one of ordinary skill in the art.

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3. Claims 9,10,18,19 rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Rosenoy as applied to claims 1-4,11-13,25 above, and further in view of Miyagawa et al. While Clark does not disclose the use of deadweights, Miyagawa et al disclose a panel assembly which employs the use of deadweights 4a,b;5a,b;8a,b, wherein, to incorporate this teaching into the panel assembly of Clark, as modified by Rosenoy, for the purpose of preventing undesired movement of the panel assembly would have been obvious to one of ordinary skill in the art.

4. Claims 20-24 are allowed.

5. The applicants state that neither Clark nor Rosenoy either alone or in combination disclose or suggests a connecting bar adapted to couple a first flexible curtain to a lower section of a metal rollup door or a bottom bar attached to the lower edge of the flexible curtain and being stiffer than the flexible curtain but also sufficiently flexible to allow the impactable panel assembly to resiliently bend out from within a pair of guide members. However, the claims of the instant application are drawn to the impactable panel assembly per se and not to the combination of the impactable panel assembly in combination with the metal rollup door and the pair of guide members. As such, the applicants' argument is more specific than the claims.


Applicant's arguments have been fully considered but they are not persuasive.

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication should be directed to David M. Purol at telephone number (571) 272-6833.


David M. Purol
Primary Examiner
Art Unit 3634